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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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08/787,745 01/24/97 HOEFELICH

J 29124-009

EXAMINER

F3M1/1015

H.D. GOLF DEVELOPMENT, INC.
2036 PAWNEE POINT
LAFAYETTE CO 80026

EXAMINER

PAPER NUMBER

5

3304

DATE MAILED:

10/15/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on 7/21/97
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-12 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-12 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

Art Unit:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: It is uncertain what the difference is between the moment 6 and the moment 10. The specification states that both moments are produced by force 8 and both act on the center of mass (Page 4 Lns. 14-22).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 is indefinite in that a grip is claimed yet the independent claim only claims a shaft. It is uncertain whether a club or a shaft is being claimed. In addition claim 4 is indefinite for stating that the grip has a standard outside contour. The term standard is indefinite in that what is standard today may not be what is standard tomorrow.

Claim Rejections - 35 USC § 102

Art Unit:

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Akatsuka (5,437,450).

Akatsuka discloses a shaft comprising a plurality of layers of fibers in a form of an inner, outer and reinforcement layers (Figure) imbedded in a synthetic resin in a form of a plastic material epoxy resin (Col. 4 Lns. 24-35, Col. 5 Lns. 1-7), a butt end of relatively larger cross sectional diameter (Col. 5 Lns. 62-68) tapering without intervening discontinuities to a tip end of relatively smaller diameter in a form of an outer diameter gradually increasing from one end adjacent to a tip end of a shaft to an other end adjacent to a grip end of a shaft (Col. 3 Lns. 56-60), a tip end having an outside diameter adapted to be attached to a head in a form of a size of an inside diameter of 2-6 mm and wall thickness 1.2-3.2 mm (Col. 5 Lns. 62-68), a butt end having an outside diameter no greater than .560 inches, a butt end having an outside diameter of from .400 to .560 inches, and a butt end having an outside diameter of from .520 to .540 inches in a form of an inside diameter of 11.5-14.5 mm and a wall thickness of .5-2.0 mm (Col. 5 Lns. 62-68).

1,453 1,570 1,127 1,508

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akatsuka (5,437,450) in view of Oseroff.

The differences between the claim and Akatsuka are that Akatsuka does not disclose a grip having a standard outside contour and having an inside diameter of from .400 to .560 inches. Oseroff discloses a grip which is spirally wound (Col. 4 Lns. 40-45) around a handle end of a golf club shaft (Col. 1 Lns. 26-44, Abstract). In view of the patent to Oseroff it would have been obvious to wrap the grip end of a shaft of Akatsuka and have the elements has defined by the claims in order to minimize the vibrations felt by the player when impacting a ball.

7. Claims 5, 7-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akatsuka (5,437,450) in view of Hogan.

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Akatsuka discloses two inner layers of fibers in a form of two kinds of wound layers in an inner layer imbedded in epoxy and having fibers oriented at angles at angles of +45 degrees and - 45 degrees relative to an axis of a shaft (Col. 3 Lns. 64 through Col. 4 Ln. 35).

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The difference between the claims and Akatsuka is that Akatsuka does not disclose graphite fibers and a butt end comprising a substantially cylindrical cross section. Hogan discloses shaft made with graphite fibers (Col. 3 Lns. 56-64) and a butt end having a cylindrical cross section (Fig. 2). In view of the patent to Hogan it would have been obvious to have graphite fibers in order to have a stronger shaft. In addition, it would have been obvious to have ~~to have~~ a butt end having a cylindrical cross section in order to have a stiffer butt section and a lower kick point to obtain more elevation when hitting the ball for the same swing.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akatsuka (5,437,450) in view of Hogan and Akatsuka (5,156,396).

The differences between the claim and Akatsuka (5,437,450) are that Akatsuka (5,437,450) does not disclose an intermediate layer of graphite fibers embedded in epoxy and fibers being oriented longitudinal to an axis of a shaft. Akatsuka (5,156,396) discloses a shaft with the same dimensions for the butt and tip ends with an intermediate and outer layer embedded in epoxy and fiber being oriented longitudinal to an axis of a shaft (Figure, Col. 2 Lns. 60 through Col. 3 Ln. 11). In view of the patent to Akatsuka (5,156,396) it would have been obvious to modify the shaft of Akatsuka (5,437,450) to replace the outer layer with an intermediate layer as

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defined by the claims and an outer layer of Akatsuka (5,156,396) in order to have a shaft with more longitudinal stiffness. See paragraph 7 for elements previously rejected by Akatsuka (5,437,450) in view of Hogan.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akatsuka (5,437,450) in view of Hogan as applied to claims 5, 7-9 and 11 above, and further in view of Oseroff.

See paragraph 6 for elements previously rejected by Akatsuka in view of Oseroff.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akatsuka (5,437,450) in view of Hogan as applied to claims 5, 7-9 and 11 above, and further in view of Akatsuka (5,156,396).

See paragraph 8 for elements previously rejected by Akatsuka (5,437,450) in view of Akatsuka (5,156,396).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shigetoh discloses two inner layers.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (703) 308-2712. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Jessica Harrison whose telephone number is (703) 308-2217. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858.


slb/ 9 October 1997


SEBASTIANO PASSANITI
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